

III. Remarks

Claims 1-37 are pending in the present application. Withdrawn Claims 1-9, 18-26 and 35-37 have been canceled. Claims 10, 13, 15, 27 and 30 have been amended as set forth above and as described below in more detail. Claims 38-55 have been added and are described below in more detail. Examination of these claims is requested.

Claims 10-17 and 27-34 stand rejected, reconsideration of which is respectfully requested in view of the foregoing amendments and the following arguments.

The Examiner indicated that the foreign and non-patent literature from Applicant's first information disclosure statement (March 21, 2002) were "unavailable" for some reason. New copies of these citation are provided herewith along with resubmission of the Supplemental Information Disclosure Statement dated the same date as the Action (July 15, 2004), consideration of which is respectfully requested.

A. Claim Rejection Under §102(b)

The Action rejects Claims 10-17 and 27-34 as being anticipated by U.S. Patent No. 6,099,409 to Brenner. Reconsideration and withdrawal of this rejection are respectfully requested in view of the foregoing amendments and the following arguments.

Independent Claims 10 and 27 are directed to a method and system, respectively, for providing probable payout information to a user for an exotic wager type that requires either a selection of two entrants from a single race or an entrant from each to two races. A table including probable payout information for the exotic wager type is displayed in a graphical user interface screen, where the probable payout information includes a selection of a first entrant from a first race and a second entrant, either from the first race or a second race. In response to a request by the user, a reconfigured table is displayed including second probable payout information for the exotic wager type for a selection of a second entrant from the first race and a selection of one or more other entrants, either from the first race or a second race.

Claims 10 and 27 have been amended to further require that the graphical user interface screen includes a plurality of selectable graphical identifiers each associated with respective entrants in the first race, whereby said request is received from said user, i.e., the request to display the reconfigured table. Support for this amendment may be found at, for example, FIGS. 4 and 4A and Paragraph 26. Dependent Claims 13 and 30 have been amended consistent with the changes to Claims 10 and 27, respectively. Claim 15 has been amended to remove an extra colon in Line 1 thereof, as indicated by double brackets.

Amended Claims 10 and 27 are now more particularly directed to the embodiment of a reconfigurable graphical user interface as shown in, for example, FIGS. 4 and 4A, where a table showing the exotic wager information can be reconfigured to show payout information for a different race entrant by selecting a selectable graphical identifier associated with the respective race entrant. For example, FIG. 4 shows a table displayed by default or by selecting the graphical identifier button labeled "1". The table of FIG. 4 shows payout information for exotic wagers including Entrant 1 for Race 1 at Golden Gate and other entrants from Race 1 (Quiniela or Exacta wager) or a second race (e.g., Race 2) (Daily Double wager). Fig. 4A shows a table displayed when the user selects the graphical identifier button labeled "2" and shows payout information for exotic wagers including Entrant 2 for Race 1 at Golden Gate. As described below, Brenner does not teach or suggest such a display methodology.

In rejecting Claims 10 and 27, the Examiner primarily relies on Columns 13 and 14 of Brenner (describing FIG. 19) and FIG. 12. First, with respect to FIG. 12, FIG. 12 is displayed after a user selects a race from FIG. 11. (Column 11, Lines 13-28). Contrary to the Examiner's assertion, FIG. 12 does not show probable payout information for a first entrant in a first race and a second entrant in a second race. Rather, at 224 in FIG. 12, the gambler selects the amount to be wagered for a bet on a race (not a probable payout for a wager). FIG. 12 at 218 displays the win odds for a single race (the race selected in FIG. 11), but as one familiar with wagering will understand, win odds are clearly not probable payouts for an exotic wager based on two entrants.

As correctly asserted by the Examiner, FIG. 19 does display probable payout information for an exotic wager, specifically for an “exacta” wager. The table of FIG. 19 has four columns. From left to right, the first column lists the entrants in the race, the second column lists the win odds of each entrant, the third column lists the exacta probable payout for the first entrant as a winner with each other entrant as a second place finisher and the fourth column lists the exacta probable payout with each other entrant from the race finishing first with the first entrant finishing second. Because there are nine entrants in the race, the system of Brenner develops nine separate screens, one each for each individual entrant. The user then scrolls backward and forward through the screens using up/down arrow keys. (Column 14, Lines 6-21). Therefore, if the screen 272 currently displays an exacta wager probable payout information for Entrant 1 and the user is interested in probable payouts involving Entrant 9, the user must scroll through screens 272 for Entrants 2 through 8 to get to the screen for Entrant 9.

In contrast, in Applicant’s claimed method and system, a plurality of selectable graphical identifiers are provided on the graphical interface screen. The user can request display of a reconfigured table for a second entrant simply by selecting the appropriate graphical identifier (as shown in FIG. 4A, for example). No scrolling through screens containing information that is not of interest is required. For at least these reasons, Claims 10 and 27 are not anticipated by Brenner and are allowable. Claims 11-17 and 28-34 depend from Claims 10 and 27, respectively, and are also not anticipated. Reconsideration and withdrawal of the rejection of these claims are respectfully requested.

Applicant would also like to note that dependent Claims 14 and 32 recite that probable payout information is provided through the Internet from the user terminal and that the graphical user interface is a Web page. The system of Brenner clearly does not provide information through the Internet or display Web pages. Indeed, Brenner require that information be provide via broadcast distribution and specifically teaches away from distribution of information via computer networks, such as the Internet.

The summary of Brenner clearly indicates that the system of Brenner does not provide racing data via a computer network, but rather provides racing data via a television medium, such as through a television channel distributed by a cable headend (See, e.g., Summary, ¶¶1-3; Column 3, seventh full paragraph; and Column 4, second full paragraph).

By way of example, the detailed description of Brenner describes the path of racing and odds data in the system of FIG. 29 as being from the wagering data management facility 380 to the racing data interface 372 to the video and data distribution system 368 over cable link 376 to the user terminal 370 (Column 17, Line 29 to Column 18, Line 61). Communication lines 390 and network 392 communicate "wagers" and "accounting information", but not probable payout information. Simply, Brenner provides no disclosure indicating that racing data such as probable payout information can or do travel through a path other than through a broadcast television transmission path.

Indeed, Applicant submit that such a system is completely antithetical to the teachings and purposes of the Brenner system – to distribute data via a mass communication television system. The Brenner distribution method is described as follows:

In wagering system 100, racing data are provided from distribution facility 120 to user terminals 122 via a distribution network 124, which is either cable wired directly to the home, a system of home satellite receivers, or radio or television broadcasting equipment. An advantage of using cable, satellites, or broadcast systems in distribution network 124 is that video information along with large quantities of racing data may be supplied to a large array of user terminals 122 more economically than with other systems. Using this type of system, the user can receive the racing data continuously, without forcing the wagering system 100 to monopolize the user's telephone line.

Column 7, Lines 7-24. Specifically with respect to the system of FIG. 29, the system is configured to provide racing data and racing video together through conventional video distribution networks: "Thus, wagering system 366 avoids the shortcomings of previously known systems in which no racing videos could be provided to user-controllable terminals and in which limited racing data were at best provided to off-track terminals via telephone lines." (Column 18, Lines 39-43).

Distributing the recited probable payout information (or information needed to calculate probable payout information) through a computer network, such as the Internet via an HTTP session, is certainly not disclosed or suggested by the television distribution network and method described by Brenner. It is also submitted that Brenner expressly teaches against using data communication means other than television broadcast distribution methods.

For at least these additional reasons, it is submitted that Claims 14 and 32 are independently allowable.

B. New Claims

New dependent Claims 39 and 42 depend from Claims 14 and 32 and are, therefore, also allowable. These claims also recite a specific method by which the reconfigured table is displayed, i.e., by means of a program applet transmitted to the user terminal. This display methodology is clearly neither taught nor suggested by the television broadcast transmission approach taught by Brenner. For at least these additional reasons, Claims 39 and 42 are independently allowable.

New dependent Claims 38 and 41, independent Claims 44 and 50, and Claims 45-49 and 41-55, which depend from independent Claims 44 and 50, respectively, recite that the table displayed in the graphical user interface display probable payout information for at least two kinds of exotic wagers (e.g., daily double and exacta, exacta and quiniela or daily double and quiniela). The display 272 of FIG. 19 clearly only shows probable payout information for one type of exotic wager (i.e., exacta). There is no teaching or suggestion in Brenner to display probable payout information for more than one kind of exotic wager in a table in a graphical interface. For at least these reasons, new Claims 38 and 41 and new Claims 44-55 are allowable.

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New dependent Claims 40, 43, 49 and 55 depend from independent Claims 10, 27, 44 and 50, respectively, and are, therefore, allowable for the reasons stated above. Further, these claims are directed to an embodiment where the probable payout information displayed for each combination of entrants in the table and reconfigured table comprises selectable graphical identifiers. Selecting a respective graphical identifier for a combination initiates the placement of a wager. Support for these claims can be found at, for example, Paragraph 30. This feature, where elements of a table displaying probable payout information may be selected to initiate a wager, is neither taught nor suggested by Brenner. For at least these reasons, Claims 40, 43, 49 and 55 are independently allowable.

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IV. Conclusion

In view of the foregoing remarks and amendments, Applicant submits that this application is in condition for allowance at an early date, which action is earnestly solicited.

The Commissioner for Patents is hereby authorized to charge any additional fees or credit any excess payment that may be associated with this communication to deposit account **04-1679**.

Respectfully submitted,

Dated: 10/15/04



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